

Serial No.: 09/648,044  
Docket N.: MIO0054PA

### Remarks

Claims 1, 3, 12, and 45 have been amended, and claim 47-57 have been added. Support for new claims 47-57 is provided for by the specification and drawings. No new matter has been added. Accordingly, claims 1-14, and 45-57 are pending in the application.

### Claim Rejections - 35 USC § 102(b)/103(a)

Claims 1, 3, 5-9 and 45 are rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Akram et al. (WO9931732A). Claims 2, 4, 12-14 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akram '732. Claim 10 is rejected as being unpatentable over Akram '732 in view of Admitted Prior Art (APA). Claims 11-14 are rejected as being unpatentable over [Pan] (5,750,435) in view of Motoyoshi et al (JP 6-53492). Independent claims 1, 3, 12, and 45 were amended to clarify the recited invention over the cited art by making what was inherent in the claims explicit.


In the Office Action the Examiner noted that the independent claims as broadly presented does not require that the overlap region have an ion implant concentration higher than all the remaining oxide layer portions extending outwardly from both the first and second leading edges of the gate structure. Accordingly, the independent claims have been amended to recite such a limitation. Such a feature is neither disclosed nor suggested by the cited references. New claim 47 has a similar limitation.

The remaining rejections are noted by the Applicants but are believed moot in view of the above amendments to independent claims 1, 3, 12, and 45. Accordingly, Applicants assert that independent claims 1, 3, 12, 45, and 47, and the claims that depend therefrom, are patentable over the cited prior art and, therefore, respectfully requests that the anticipation and obviousness rejections to the claims be withdrawn.

The Applicants respectfully submit that, in view of the above amendments and remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

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Respectfully submitted,  
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